

**Section III:**  
**AMENDMENT UNDER 37 CFR §1.121 to the**  
**DRAWINGS**

No amendments or changes to the Drawings are proposed.

**Section IV:**  
**AMENDMENT UNDER 37 CFR §1.121**  
**REMARKS**

**Objections to the Claims**

In the Office Action, objections to claims 38 - 40, 44, and 48 - 54 were made for informalities specifically noted in the Action. Applicant hereby amends claims 38 - 40 and 48 - 54 according to suggestions provided in the Action. Reconsideration of the objections is requested.

**Rejections under 35 U.S.C. §112, Second Paragraph**

In the Office Action, claims 5, and 38 - 54 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, claims 5 and 46 were rejected for the phrase "a dimension of the various features" being indefinite. Claims 5 and 46 are being amended herein to clearly recite that at least one of the indicia (e.g. the intersections of the hairlines) corresponds to a subvention of 100 yards.

Further, it was particularly pointed out that Claim 41 is indefinite for lack of antecedent basis of the phrase "said center horizontal hairline". To clarify, Claim 41 is being amended herein to recite center horizontal hairline consistently.

It was also pointed out that Claim 43 lacks antecedent basis for "the intersection of at least two range-marker hairlines with said vertical hairline", and for lack of units following "300" and "400". Claim 43 is being amended herein to recite that at least two of the range-marker hairlines intersect with the vertical hairline, thereby constituting at least first and second bullet impact points at 300 and 400 yards each.

Claim 45 was rejected in particular for recitation of "said posts", where "posts" lacks antecedent basis. Claim 41, from which Claim 45 depends, has been amended to recite "posts".

It was also pointed out that Claim 47 recites "posts", but the claim it depends from (claim 41) makes no recitation of posts. Claim 47 is being amended herein to depend from Claim 44 instead, which provides proper antecedent basis for the term "post".

Claim 48 was rejected in particular for reciting "the sequential spacing" for which there is no antecedent basis. Claim 48 is being amended herein to delete "the" prior to "sequential

spacing" which renders the claim proper in that "sequential spacing" is a term introduced and fully described in Claim 48.

For these reasons, withdrawal of the rejections of claims 5, and 38 - 54 is requested.

#### **Rejections under 35 U.S.C. §251**

In the Office Action, claims 41 - 54 were rejected under 35 U.S.C. §251 for improper recapture of previously surrendered claim scope, with particular reference to an Appeal Brief filed in the issued patent application's prosecution. The examiner indicated certain terms which, when missing in the present claims, are considered to improperly broaden the scope of the claims. Claim 41, from which claims 42 - 54 depend, is being amended herein to adopt the omitted terms and limitations as noted by the examiner.

In particular, with respect to recitation of "at least two range-marker hairlines", Applicant is amending this phrase to recite "at least four range-marker hairlines".

Regarding recitation at line 8 of Claim 41 of the center horizontal hairline being bisected by the vertical hairline, Claim 41 is being correspondingly amended herein to recite that the center vertical and horizontal hairlines approximately bisect each other.

#### **Rejections under 35 U.S.C. §102(b)**

Claims 41 - 43 were rejected in the Office Action under 35 U.S.C. §102(b) over US Patent 3,948,587 to Rubbert. Claims 42 and 43 depend from Claim 41. Claim 41 is being amended herein to incorporate allowable limitations from Claims 49 - 54, and thus claims 41 - 43 are rendered allowable.

#### **Rejections under 35 U.S.C. §103**

Claim 44 was rejected in the Office Action under 35 U.S.C. §103 over Rubbert in view of US Patent 5,181,323 to Cooper. Claim 44 depends from Claim 41. Claim 41 is being amended herein to incorporate allowable limitations from Claims 49 - 54, and thus claim 44 is rendered allowable.

Claim 48 was rejected in the Office Action under 35 U.S.C. §103 over Rubbert in view of US Patent 1,708,389 to Karnes. Claim 48 depends from Claim 41. Claim 41 is being amended herein to incorporate allowable limitations from Claims 49 - 54, and thus claim 48 is rendered

allowable.

**Allowable Claims**

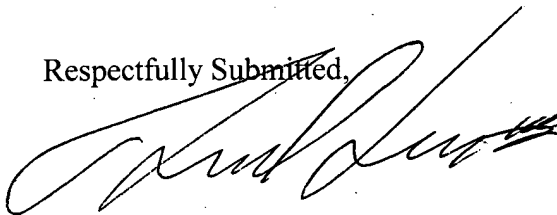
In the Office Action, it was stated that Claims 1 - 4 were allowable (without amendment), and that claims 5 - 10 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph. It was also stated that Claims 49 - 54 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph, and to overcome the rejections of the claims from which they depend.

All remaining claims have been amended to overcome the rejections under 35 U.S.C. §112, second paragraph. Further, the limitations of Claims 49 - 54 have been amended into claim 41, rendering claims 41 - 54 allowable.

However, no rejections or statement of allowability are made regarding claims 38 - 40, which depend from allowable claim 5. Because Claim 5 is allowable (with amendment), Applicant submits that claims 38 - 40 are also allowable.

For these reasons, allowance of claims 1 - 10 and 38 - 54 is requested.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Thomas D. Smith, III', with a stylized flourish at the end.

Thomas D. Smith, III  
Self-Represented Inventor